



Inter Department Correspondence Sheet

TO: Members of City Council

FROM: Breck Daughtrey, City Clerk

COPIES TO: _____

SUBJECT: Minutes of City Council Meeting

May 6, 2016

Attached are the minutes of the City Council meeting held on Tuesday, April 26, 2016.

A handwritten signature in cursive script, appearing to read 'Breck'.

Breck

NORFOLK, VIRGINIA

BUSINESS MEETING OF COUNCIL

TUESDAY, APRIL 26, 2016

President Fraim called the meeting to order at 4:30 p.m. with the following members present: Ms. Graves, Ms. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley and Mr. Winn.

He thereupon asked for council discussion in the budget.

A. BUDGET DISCUSSION

Mr. Protogyrou:

- Asked how much the city is spending on acquisition of properties at Wards Corner. The Manager replied that Council approved \$2.7 million in the 2016 budget for Southside, Wards Corner, Fairmount Park and Broad Creek. There are no funds allocated for 2017; however, additional funds could be made available on a case-by-case basis.
- Asked if Public Safety is fully funded and if staffing levels are adequate. The Manager answered yes; and the International Association of Chiefs of Police is currently conducting a study on appropriate staffing levels and how staff are deployed. Results are expected within 90 days.

Mr. Riddick:

- Asked the Manager why salary increases no longer occur in July and what it would cost to start paying on July 1st again. The Manager explained that in 2013, after a number of years with no increases, we were able to fund salary increases in January so employees wouldn't have to wait another full year.
- Asked for an update on the acquisition of Spartan Village Apartments in the 2017 budget.

Mr. Winn:

- Asked if Norfolk Public Schools are being fully funded. The Manager answered that he has been working closely with Dr. Boone. NPS is in the process of analyzing: fuel costs, healthcare costs, ADM (Average Daily Membership) numbers, and updates on savings from the current fiscal year. He noted that additional dollars

identified in September during the retreat will go back to the school system in 2017. He added that Council will have updated figures from NPS before the budget is passed. Additionally, Mr. Winn asked the Manager for information on why schools with small enrollments are kept open.

- Asked if there is funding for business districts such as Wards Corner, Riverview, Ghent, Chelsea, et cetera. The Manager answered that he would provide Council with a breakdown of how the \$30 million in the Capital Improvement Plan will be allocated.

Dr. Whibley:

- Expressed disappointment at the condition of roads and the amount of money budgeted for paving. The Manager clarified the amount is \$20 million in the CIP budget and is reimbursed by the State. He added that a 20-year re-pavement plan is in place. Mr. Winn asked for a copy of the 20-year plan.
- Asked if additional code enforcement staff will be hired; the Manager answered they will.

Ms. Johnson:

- Asked the Manager to look into whether NPS is properly taking attendance.
- Asked for an itemization of funding going to neighborhoods.
- Asked about how employee salary increases will be handled this year for employees at the top of their pay ranges. The Manager said the range will be extended for all but those who exceed the range.
- She noted that the Broad Creek waterways have received a failing grade. She asked what the plan is to address this and if funding can be included in the budget.

Mr. Smigiel:

- Regarding the school's CIP budget, asked why we aren't collaborating with the schools on procurement for supplies and projects such as roof repairs, repaving, et cetera. Dr. Whibley also suggested that landscaping should be included. Ms. Graves asked when the tennis courts at Booker T. Washington High School will be repaired and reopened.
- Asked for a breakdown on funding for dredging and the proposed locations. He noted that Pretty Lake dredging is not finished.

Ms. Graves:

- Asked if there is funding to extend the hours of operation for all recreation centers this summer.

Mr. Fraim:

- Asked for data regarding NPS's request for funding, noting that it's a 9 percent increase. He also asked how we compare with the other cities in the region.

Following discussion on the timing of the vote on the budget, Council decided to schedule a meeting for May 17th.

B. COUNCIL INTERESTS

1. Councilwoman Whibley: Asked for a list of roads scheduled for repaving and for an assessment of the condition of bridges.
2. Councilman Protogyrou: Asked to have broken curbs repaired in the Colley Avenue/21st Street area and north to 35th Street and beyond. In addition, Ms. Johnson stated that many streets and curbs in older neighborhoods need repairs, as well as Princess Anne Road and Tidewater Drive.

C. HEALTH NEEDS SURVEY AND YOUTH ART PROJECT

Dr. Demetria Lindsay, Director of Public Health, reported as follows:

- The goals of the recent health assessment is to improve community health and to become the healthiest city in the healthiest state in the nation.
- 2000 surveys were returned representing all areas and demographics and 45 health agencies responded.
- The final report will be issued in either May or June 2016. It will be used as the basis for a transition to a community health improvement process.
- Youth participation was sought with young people contributing photos of how they experience life in Norfolk.

Dr. Whibley stated the report needs to be used when developing city policy, and noted the issue of childhood obesity as a priority.

D. CHIEF GOLDSMITH REPORT ON CRIME

Police Chief Michael Goldsmith reported as follows:

- Violent crime is up 14%, property crime is up 9%; total crime up 10%.
- Changes have occurred in manpower distribution to achieve higher visibility in high crime areas, and these are making an impact.

Mr. Protogyrou asked for an explanation of the brazenness of some of the homicides. The Chief responded that access to guns, the notion of disrespect among young people and a growing disregard for life are contributing factors.

Mr. Riddick stated some neighborhoods need better code enforcement, some homes need demolishing and traffic enforcement is needed mid-day.

Mayor Fraim suggested trying to identify where gunfire is occurring in an effort to apprehend the offenders.

Ms. Graves commented on a recent forum for “Stop the Violence” that stressed the concept of all inclusive communities. She stated that we need to share this concept with all of our neighborhoods. She added that community policing is an important piece, not just enforcement policing.

Ms. Johnson commented that each Council member represents their individual ward, but they also have a responsibility to all citizens and that what happens in one community impacts all communities throughout the city.

Dr. Whibley commented that other cities have enacted laws that call for mandatory jail time if you have a firearm and are convicted of even a minor offense. She asked if the Dillon Rule prevents us from enacting similar laws.

With regard to gang activity, Mr. Smigiel suggested that the PACE program be reinstated and that all schools receive annual presentations.

E. CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause 29 of subsection (A) of Section 2.2-3711 of the Virginia Freedom of Information Act**, as amended:

- (29) Discussion of the award of two public contracts involving the expenditure of public funds, where discussion in an open session would adversely affect the bargaining position of the city.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING

TUESDAY, APRIL 26, 2016 – 7:00 P.M.

President Fraim called the meeting to order at 7:00 p.m.

The opening prayer was offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CEREMONIAL MATTERS

President Fraim introduced Dr. Demetria Lindsay, Director of Public Health. Dr. Lindsay introduced the group of students that participated in the PhotoVoice Project in which young people contributed photos of how they experience life in Norfolk. Their photos will be displayed in the lobby of City Hall.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Brock Ventures, Inc.**, for an amendment to the future land use designation in the General Plan, *plaNorfolk2030*, from Institutional to Multifamily and for a change of zoning from IN-1 (Institutional) District to R-13 (Moderately High Density Multi-Family) District on property located at **435 Virginia Avenue**.

(Passed by at the meeting of February 23, 2016)

(A request has been made to continue to May 24, 2016)

ACTION: This matter was continued to May 24, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a Lease Agreement between the City and the Virginia Opera Association, Inc., for certain premises being the **Harrison Opera House** located at **160 West Virginia Beach Boulevard**, Norfolk, Virginia.

Thereupon, an Ordinance entitled, "An Ordinance approving the terms and conditions of a Lease Agreement between the City and the Virginia Opera Association, Inc., for certain premises being the **Harrison Opera House** located at **160 West Virginia Beach Boulevard**, Norfolk, Virginia and authorizing the execution of the Lease Agreement," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 27, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-3 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a Lease Agreement with **Grace's Tailor Shop, Inc.** for the lease of city owned property located at **130 Bank Street**.

Thereupon, an Ordinance entitled, "An Ordinance approving a Lease Agreement with **Grace's Tailor Shop, Inc.** for the lease of city owned property located at **130 Bank Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 27, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-4 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a Lease Agreement with **Corks and Caps, LLC** for the lease of city owned property located at **240 E. Main Street**.

Thereupon, an Ordinance entitled, "An Ordinance approving a Lease Agreement with **Corks and Caps, LLC** for the lease of city owned property located at **240 E. Main Street,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 27, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-5 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **DPT Construction, LLC**, on property located at **1409 Wilson Road Street**.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to DPT Construction, LLC of a certain parcel of property at 1409 Wilson Road for the total sum of \$19,100.00 in accordance with the terms and conditions of the Conveyance Agreement; and authorizing the release of the city's right of reverter upon certain conditions," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 27, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-6 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot** to **Trustees of the Gethsemane Community Fellowship Baptist Church**, on property located at **606 Maltby Avenue**.

Alphonso Albert, 1017 Godfrey Avenue, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to the Trustees of the Gethsemane Community Fellowship Baptist Church of certain parcel of property located at 606 Maltby Avenue for the total sum of \$7,500.00 in accordance with the terms and conditions of the Conveyance Agreement; and authorizing the release of the city's right of reverter upon certain conditions," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 27, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-7

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a **GEM Lot to Jay Investment Corporation**, on property located at **985 Parish Road**.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to the Jay Investment Corporation of certain parcel of property located at 985 Parish Road for the total sum of \$52,500.00 in accordance with the terms and conditions of the Conveyance Agreement; and authorizing the release of the city's right of reverter upon certain conditions," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 27, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

Abstain: Graves (stating Jay Investment Corporation is her client)

PH-8

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a Lease Agreement with **Rover Marine, Inc.** for the lease of city owned property located at **224 E. Main Street**.

Thereupon, an Ordinance entitled, "An Ordinance approving a Lease Agreement with **Rover Marine, Inc.** for the lease of city owned property located at **224 E. Main Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 27, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting **433 Granby Street, LLC** to encroach into the right of way at **433 Granby Street** with signage," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting **JJB Financial, LLC** permission to encroach into the right of way at **345 Granby Street** approximately 109 square feet for the purpose of outdoor dining and approving the terms and conditions of the Encroachment Agreement," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting **Michael, LLC** permission to encroach into the right of way at **1231 W. Olney Road** approximately 162 square feet for the purpose of outdoor dining and approving the terms and conditions of the Encroachment Agreement," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4 Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the City Manager to enter into a **Right of Entry Agreement** with the owners of certain parcels of property located around Lake Modoc for the purpose of a **Water Quality Retrofit Project**," was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving the terms and conditions of Safekeeping and Custody Agreement between the City of Norfolk and Virginia Cartographical Society, LC for the custody of a historical map collection and authorizing the City Manager to execute the **Safekeeping and Custody Agreement** on behalf of the City," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-6 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting an additional Grant Award of \$294,197.20 from the **Virginia Department of Emergency Management** which includes \$220,647.90 from the **Federal Emergency Management Agency**, \$58,839.44 from the Commonwealth of Virginia and \$14,709.86 as a cash match from the City through the **Hazard Mitigation Grant Program** for the City of Norfolk Floodproofing of Strickland and Jones Project and appropriating and authorizing the expenditure of the additional funds for the project," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a Grant Award of up to \$282,984.00 from the **Virginia Department of Behavioral Health and Development Services** through the Hampton-Newport News Community Services Board to Norfolk Community Services Board to provide permanent supportive housing to individuals in Eastern State Hospital able and eligible to live independently in the community, and appropriating and authorizing expenditure of grant funds,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance to repeal one subsection each of Sections 25-646, 653, and 654, and to amend and reordain Sections 25-646, 652, 653, 654 and 656 of the Norfolk City Code, 1979 **SO AS TO** add one new speed limit, one new one-way street, two new yield intersections, fifteen new stop intersections, and three new trucks of one and one-half tons on certain streets prohibitions,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a Deed of Easement for Pedestrian Access from Norfolk Outlets, LLC to the City of Norfolk, approving a Deed of Easement for Force Main from Norfolk Outlets, LLC to the City of Norfolk, approving a Lighting Maintenance Agreement between the City of Norfolk and Norfolk Outlets, LLC, approving a Lake Bank Maintenance Agreement between the City of Norfolk and Norfolk Outlets, LLC, authorizing the City Manager to accept a Deed of Dedication from the Economic Development Authority of the City of Norfolk for the public roadway to be constructed at Lake Wright, authorizing the City Manager to accept a Special Warranty Deed from the Economic Development Authority of the City of Norfolk for the residual tract of land located West of the public roadway to be constructed at Lake Wright, and authorizing the City Manager to accept any and all easements and to enter into such easements, maintenance and other agreements as are required by the City of Norfolk for the Economic Development Authority of the City of Norfolk to close upon the sale of real property to Norfolk Outlets, LLC and as required by the **Site Development Plans for Norfolk Premium Outlets, Norfolk, Virginia**, dated April 6, 2016,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-10

Letter from the City Auditor requesting confirmation of the appointment of Jennifer Speight to the position of City Auditor II.

ACTION: Appointment confirmed.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-11

A Resolution entitled, "A Resolution appointing 3 persons to two Boards and one Commission for certain terms," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective April 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

NEW BUSINESS

1. John James, 3025 North Lakebridge Drive, commented on the following issues in the Lakebridge neighborhood: landscaping, need for sound barrier, a section of fence needs replacing and maintenance of trees.
2. Bessie Hyman, 4553 Shoshone Court, spoke about wood that was dumped in her front yard and asked for the city to help in removing it.
3. Merle Rutledge, 599 Rivera Arch, stated that since the recent violence in the city, he is in favor of video cameras on the streets to help maintain security.
4. Bea Garvin, 964 Washington Avenue, President, Huntersville Civic League, commented that the civic league is currently discussing, and is in favor of, such programs as The Earn Program, Strategic Plan and Block by Block Grants.
5. Danny Lee Ginn, 3844 Dare Circle, expressed concerns about Councilman Riddick.